

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

SPENCER MORGAN, FRANCIS NOVAK,
and ROWENA KOENIG, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

HIGHER EDUCATION LOAN
AUTHORITY OF THE STATE OF
MISSOURI d/b/a MOHELA, MIGUEL
CARDONA, in his official capacity as
Secretary of the United States Department of
Education, and THE UNITED STATES
DEPARTMENT OF EDUCATION,

Defendants.

Case No. 4:24-cv-00147-CDP

**THE UNITED STATES DEPARTMENT OF EDUCATION AND SECRETARY
MIGUEL CARDONA’S MOTION TO DISMISS PLAINTIFFS’ COMPLAINT**

The United States Department of Education and its Secretary Miguel Cardona in his official capacity (collectively, “the Department”) move to dismiss Plaintiffs’ complaint pursuant to [Federal Rule of Civil Procedure 12\(b\)\(1\), \(3\), and \(6\)](#). As explained in further detail in the accompanying Memorandum of Law, Plaintiffs’ single claim against the Department fails for three reasons.

First, the Department moves to dismiss for lack of venue pursuant to Rule 12(b)(3). Under [28 U.S.C. § 1402](#), Plaintiffs are required to file suit in the judicial district where they reside, but none reside this district.

Second, the Department moves to dismiss for lack of subject-matter jurisdiction pursuant to Rule 12(b)(1). Subject-matter jurisdiction is lacking for two reasons. To start, Plaintiffs lack standing under Article III because they fail to allege a cognizable harm. Additionally, Plaintiffs’

allegations do not establish that jurisdiction is proper under [28 U.S.C. § 1346\(a\)\(2\)](#), for they fail to plead that their individual claims are for less than \$10,000.

Third, the Department moves to dismiss for failure to state a claim pursuant to Rule 12(b)(6). Plaintiffs fail to state a breach of contract claim, for they do not identify any contractual duty allegedly breached by the Department.

For these reasons and those contained in the accompanying Memorandum of Law, the Department respectfully requests that the Court dismiss Plaintiffs' complaint as to the Department.

Respectfully submitted,

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